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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,102	12/13/2001	Shmuel Shaffer	062891.0655	5797
7590	06/30/2005			EXAMINER
Baker Botts L.L.P. Suite 600 2001 Ross Avenue Dallas, TX 75201-2980			ARMSTRONG, ANGELA A	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/020,102	SHAFFER ET AL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Angela A. Armstrong	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 13 December 2001.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-36 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-36 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-8, 10-16, 32-33, and 35-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell (US Patent No. 5,799,273).
2. Regarding claims 1 and 35, Mitchell discloses a system for relating words in an audio file to words in a text file, comprising: retrieving a text file comprising a plurality of textual words (col. 6, lines 20-29); generating an audio file comprising a plurality of audible words based on the text file (col. 6, lines 9-19); and storing information relating each audible word to a corresponding textual word (col. 6, lines 48-65).

Regarding claim 2, Mitchell discloses the textual words comprise ASCII text (col. 5, lines 59-67).

Regarding claim 3, Mitchell discloses the audio file is stored in the form of a WAV file (col. 6, lines 9-29; col. 13, lines 26-30).

Regarding claim 4, Mitchell discloses the information comprises voice tags embedded in the audio file (col. 7, lines 1-30).

Regarding claim 5, Mitchell discloses the information comprises a file map relating a location of each textual word within the text file to a location of the corresponding audible word in the audio file (col. 6, line 48 to col. 8, line 3).

Regarding claims 6 and 36, Mitchell discloses the method steps are performed by login embodied in a computer readable medium (col. 4, line 66 to col. 5, line 36).

Regarding claims 7, 15, and 32, Mitchell discloses a system for relating words in an audio file to words a text file, comprising: retrieving a text file comprising a textual word (col. 6, lines 20-29); generating an audible word corresponding the textual word (col. 6, lines 9-19); storing the audible word in an audio (col. 6, lines 9-29; col. 13, lines 26-30); storing a file map, the file map comprising: a first location locating audible word within the audio file (Figures 3-4; col. 6, line 48 to col. 7, line 30); and a second location locating the textual word within the text file (Figures 3-4; col. 6, line 48 to col. 7, line 30).

Regarding claims 8, 16, and 33, Mitchell discloses repeating the steps the method plurality of textual words in the text file (col. 5, line 59 to col. 8, line 3; Figures 3-4).

Regarding claim 10, Mitchell discloses a system for relating words in an audio file to words in a text file, comprising: retrieving a text file comprising a plurality of textual words (col. 6, lines 20-29); generating an audible word corresponding to each textual word, each audible word comprising media stream packets (col. 6, lines 9-29); and playing the audible words to a user in real time as the audible words are generated (col. 8, line 52 to 10, line 2); and during the playing of the audible words, determining a current textual word corresponding audible word currently being played (col. 8, line 52 to col. 10, line 2).

Regarding claim 11, Mitchell discloses the textual words comprise ASCII text (col. 5, lines 59-67).

Regarding claim 12, Mitchell discloses initializing a counter identifying textual words within the text file (col. 6, line 48 to col. 7, line 30); and incrementing the counter after each

audible word is played (col. 6, line 48 to col. 7, line 30); wherein the step of determining comprises identifying the current textual word using the counter (col. 6, line 48 to col. 7, line 30).

Regarding claim 13, Mitchell discloses storing information about the audible word, the information comprising: an identifier for the textual word corresponding the audible word (col. 6, line 48 to col. 8, line 3); and a time at which the audible word was played (col. 6, line 48 to col. 8, line 3; Figures 3-4).

Regarding claim 14, Mitchell discloses the method steps are performed by login embodied in a computer readable medium (col. 4, line 66 to col. 5, line 36).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9, 17-31, 34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell in view of Dionne (US Patent No. 6,068,487).

4. Regarding claims 9, 17-31, 34 and 37, Mitchell discloses a system which provides a user interface for relating words in an audio file to words a text file, comprising: retrieving a text file comprising a textual word (col. 6, lines 20-29); generating an audible word corresponding the textual word (col. 6, lines 9-19); storing the audible word in an audio (col. 6, lines 9-29; col. 13, lines 26-30); storing a file map, the file map comprising: a first location locating audible word

within the audio file (Figures 3-4; col. 6, line 48 to col. 7, line 30); and a second location locating the textual word within the text file (Figures 3-4; col. 6, line 48 to col. 7, line 30).

Mitchell does not teach that the system identifies an audible word to be spelled in response to the command to spell; identifies a textual word in a text file corresponding to the audible word to be spelled; and audibly spell the textual word. Dionne teaches a method for having a reading machine spell a word, which includes retrieving a word to be spelled, displaying letters of the word, spelling the word and provide an text-to-speech output of the word (col. 3, lines 8-34). Dionne teaches that the system is useful in assisting individuals with learning disabilities or severe visual impairments.

It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Mitchell to provide the spelling of words in the text, to aid in the editing of recognized text and in the correcting of recognition errors.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Holt (US Patent No. 5,960,447)

Kurzweil (US Patent No. 6,199,042).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 571-272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Angela A Armstrong  
Examiner  
Art Unit 2654

AAA  
June 26, 2005

*Angela Armstrong*